

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Aug. 29, 2013
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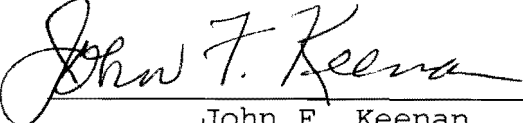
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
FOSAMAX PRODUCTS LIABILITY LITIGATION : Master File No.
-----: 06 MD 1789 (JFK)
This document relates to: :
All actions : **ORDER**
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JOHN F. KEENAN, United States District Judge:

The Court has reviewed the letters submitted by counsel for Generic Defendants and the Plaintiffs' Steering Committee ("PSC") regarding Generic Defendants' request for an extension of time. It is hereby ORDERED that the deadline for Defendants Teva Pharmaceuticals USA, Inc., Watson Pharmaceuticals, Inc., and Watson Laboratories, Inc., to answer or otherwise respond to the complaints is extended to September 30, 2013. The PSC correctly points out that that Federal Rule of Civil Procedure 12(g)(2) precludes the Generic Defendants from making a Rule 12 motion that was available to them at the time they made their motion under Rule 12(c). Generic Defendants have represented, however, that the motion was not available to them at the time of their Rule 12(c) motion. Without resolving the issue of whether a motion for a more definite statement of fact is barred under Rule 12(g)(2), and noting that it may in fact have merit, the Court will give Generic Defendants the benefit of the doubt and would entertain a timely Rule 12(e) motion.

SO ORDERED.

Dated: New York, New York
August 29, 2013


John F. Keenan
United States District Judge